

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES HALL,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1328-GMS
)	
DAVID HOLMAN, Deputy Warden)	
LAWRENCE McGUIGAN, and)	
CLYDE SAGERS)	
)	
Defendants.)	

**STATE DEFENDANTS MOTION TO DISMISS/SUMMARY JUDGMENT PURSUANT
TO RULE 12(b)(6) OF THE
FEDERAL RULES OF CIVIL PROCEDURE**

COME NOW, the Defendants, David Holman, Lawrence McGuigan and Clyde Sagers by and through undersigned counsel, and hereby respectfully request that this Honorable Court enter an Order, pursuant to Rules 12(b)(1), 12 (b)(6) and 56(c) of the Federal Rules of Civil Procedure, dismissing with prejudice all claims against the Defendants. In support of their motion to dismiss/summary judgment, the Defendants have filed simultaneously herewith a memorandum of points and authorities demonstrating the requested relief.

WHEREFORE, the Defendants respectfully requests that this Honorable Court enter an Order dismissing Plaintiff's claims with prejudice.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Lisa Barchi
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Date: December 8, 2005

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CLYDE SAGERS)	
)	
Defendants.)	

ORDER

AND NOW, this _____ day of _____, 200____, the Motion to Dismiss filed by Defendants David Holman, Lawrence McGuigan and Clyde Sagers in the above-captioned matter having been duly considered, and any opposition thereto,

IT IS ORDERED that the Motion to Dismiss is granted and that judgment is hereby entered in favor of the movant and against the Plaintiff.

The Honorable Gregory M. Sleet, Judge
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2005, I electronically filed *Motion to Dismiss* with the Clerk of Court using CM/ECF. I hereby certify that on December 8 2005, I have mailed by United States Postal Service, the document to the following non-registered participant:

James Hall
SBI # 167581
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Lisa Barchi
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